

the KNOW YOUR RIGHTS campaign

What is an FIR?

First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence. It is a report of information that reaches the police first in point of time and that is why it is called the First Information Report.

It is generally a complaint lodged with the police by the victim of a cognizable offence or by someone on his/her behalf.

Anyone can report the commission of a cognizable offence either orally or in writing to the police. Even a telephonic message can be treated as an FIR.

Cognizable Offence

A cognizable offence is one in which the police may arrest a person without warrant. They are authorised to start investigation into a cognizable case on their own and do not require any orders from the court to do so.

Non-cognizable Offence

A non-cognizable offence is an offence in which a police officer has no authority to arrest without warrant. The police cannot investigate such an offence without the court's permission.

Why is FIR important?

An FIR is a very important document as it sets the process of criminal justice in motion. It is only after the FIR is registered in the police station that the police take up investigation of the case.

Who can lodge an FIR?

Anyone who knows about the commission of a cognizable offence can file an FIR. It is not necessary that only the victim of the crime should file an FIR. A police officer who comes to know about a cognizable offence can file an FIR himself/herself.

You can file an FIR if:

- ✓ You are the person against whom the offence has been committed;
- ✓ You know yourself about an offence which has been committed;
- ✓ You have seen the offence being committed.

What is the procedure of filing an FIR?

- ✓ When information about the commission of a cognizable offence is given orally, the police must write it down.

The police may choose not to investigate a complaint even if you file a FIR, when:

- i. The case is not serious in nature;
- ii. The police feel that there is not enough ground to investigate.

However, the police must record the reasons for not conducting an investigation and in the latter case must also inform you.

— [Section 157, Criminal Procedure Code, 1973]

- ✓ It is your right as a person giving information or making a complaint to demand that the information recorded by the police is read over to you.
- ✓ Once the information has been recorded by the police, it must be signed by the person giving the information.
- ✓ You should sign the report only after verifying that the information recorded by the police is as per the details given by you.
- ✓ People who cannot read or write must put their left thumb impression on the document after being satisfied that it is a correct record.
- ✓ Always ask for a copy of the FIR, if the police do not give it to you. It is your right to get it free of cost.

— [Section 154, Criminal Procedure Code, 1973]

Note: Refusal to file an FIR is against the law.

What should you mention in the FIR?

- ✓ Your name and address;
- ✓ Date, time and location of the incident you are reporting;
- ✓ The true facts of the incident as they occurred;
- ✓ Names and descriptions of the persons involved in the incident;
- ✓ Witness, if any.

Things you should NOT do:

- ✓ Never file a false complaint or give wrong information to the police. You can be prosecuted under law for giving wrong information or for misleading the police.
— [Section 203, Indian Penal Code, 1860]
- ✓ Never exaggerate or distort facts.
- ✓ Never make vague or unclear statements.

What can you do if your FIR is not registered?

- ✓ You can meet the Superintendent of Police or other higher officers like the Deputy Inspector General of Police and Inspector General of Police and bring your complaint to their notice.
- ✓ You can send your complaint in writing and by post to the Superintendent of Police concerned. If the Superintendent of Police is satisfied with your complaint, he shall either investigate the case himself or order an investigation to be made.
- ✓ You can file a private complaint before the court having jurisdiction.
- ✓ You can also make a complaint to the State Human Rights Commission or the National Human Rights Commission if the police does nothing to enforce the law or does it in a biased and corrupt manner.

For more information and assistance please contact us:

Law for Aid and Welfare

Email: lawforaidandwelfare@gmail.com

Website: www.lawforaidandwelfare.in

Blog: lawngo.wordpress.com